

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

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| In re Application of | |
| Inventor: Wenxiao HE | : Confirmation No. 7335 |
| | : |
| U.S. Patent Application No. 10/783,637 | : Group Art Unit: 2617 |
| | : |
| Filed: February 20, 2004 | : Examiner: Erika A. Gary |
| | : |
| For: METHOD AND APPARATUS FOR REGISTERING A MOBILE NODE WITH A HOME AGENT | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: BOARD OF PATENT APPEALS AND INTERFERENCES

CORRECTED SECTION OF BRIEF ON APPEAL

This submission is in response to the Notification of Non-Compliant Appeal Brief, mailed on January 16, 2008.

The fees required under § 1.17(f) and any required petition for extension of time for filing this submission and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

Appellant submits a Corrected Section of the Brief on Appeal correcting the minor non-compliance identified by the PTO with respect to the heading of VII. Argument, Section D. Though not explicitly stated in the PTO Notice, Appellant believes that only the corrected section need be submitted because MPEP §1205.03 specifically recites that a corrected brief should not be required “for minor non-

compliance in an appeal brief (e.g., the brief has a minor error in the title of a section heading)" and Appellant is only correcting a minor error in the title of a section heading.

VII. Argument

D. Was the PTO correct in rejecting claims 1, 2, 8-10, 16-18, 24-26, 32-34, and 40 under 35 U.S.C. 102(b) as being anticipated by *Johansson*?

The rejection of claims 1, 2, 8-10, 16-18, 24-26, 32-34, and 40 under 35 USC 102(b) as being anticipated by *Johansson* is hereby traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Claim 1 is patentable over *Johansson* because the reference fails to disclose or suggest every element of claim 1.

Claim 1

Johansson fails to disclose or suggest "registering the mobile node with the home agent using the security tunnel" as claimed in claim 1.

In response to Appellant's arguments submitted July 9, 2007, the PTO asserts that "*Johansson* teaches the mobile sends a registration message along with tunnel information. **Subsequently**, a security association with the home agent is established for traffic sent back [paragraph 0114]. Hence, the security tunnel is established before the registration is complete." PTO Final Official Action (FOA) mailed August 27, 2007 at page 6, section 6 (emphasis added). As set forth below, this is incorrect based on the plain language of *Johansson* and fails to anticipate the claimed subject matter.

The PTO appears to be asserting without any support in any of the applied references that registration is not complete until traffic is sent back from the home agent to the mobile node. Without any support for this asserted definition, reversal of the rejection is respectfully requested because *Johansson* appears to consider registration of the mobile node with the home agent as occurring upon transmission of a registration message from the mobile node to the home agent. The claim language states "registering the mobile node with the home agent using the security tunnel" and the PTO admits that the registration from the mobile node to the home agent occurs prior to establishment of the security tunnel, i.e., reference is made to the above copied quotation stating that the security association is established subsequent to the

registration message transmission. Thus, according to *Johansson* and the PTO's admission, registration of the mobile node with the home agent occurs prior to establishment of the security tunnel and *Johansson* fails to anticipate the claimed subject matter. Based on at least the foregoing, reversal of the rejection is respectfully requested.

Further, the PTO asserts without support in *Johansson* that registration is completed via use of an established security tunnel. *Johansson* fails to so state. *Johansson* also fails to state that the security tunnel is established prior to completion of the registration. For at least this additional reason, reversal of the rejection is respectfully requested.

Further, the PTO asserts that *Johansson* describes registering the mobile node with the home agent using the security tunnel at paragraphs 114, 126, and 138. This is incorrect. *Johansson* appears to describe the mobile node as registering with the home agent prior to the tunnel being established. *Johansson* at paragraph 114 ("sends a mobile IP 27 registration message to the selected network interface card 88" followed by "instructs the IPSec filter 84a via the security association database 84d to utilize security associations").

Further, *Johansson* appears to describe modification of mobile IP tunnel 30a after receipt of registration request 93, which does not appear to have traversed the tunnel. *Johansson* at paragraph 126 ("The mobile IP tunnel 30a is then modified to contain a UDP header 30c as well."). Paragraph 138 of *Johansson* appears to describe the transmission of "registration request 93 towards the home agent 1" without disclosing that transmission of the registration occurs using the security tunnel. Further still, paragraphs 139-141 of *Johansson* appear to describe the communication of registration information between a mobile node and its home agent without the use of a security tunnel. For at least this reason, reversal of the rejection is respectfully requested.

The PTO-identified portion of *Johansson* appears to describe registration occurring prior to establishment of the security tunnel which is contrary to the feature

claimed in claim 1. For at least this reason, reversal of the rejection is respectfully requested.

Based on at least the foregoing reasons, claim 1 is patentable over *Johansson* and reversal of the rejection is respectfully requested.

Claim 2 depends, either directly or indirectly, from claim 1, include further limitations, and are patentable over *Johansson* for at least the reasons advanced above with respect to claim 1. The rejection of claim 2 should be reversed.

Claims 9, 17, 25, and 33 are patentable over *Johansson* for at least reasons similar to those advanced above with respect to claim 1 and reversal of the rejection is respectfully requested.

Claims 8, 10, 16, 18, 24, 26, 32, 34, and 40 depend, either directly or indirectly, from claims 9, 17, 25, and 33, include further features, and are patentable over *Johansson* for at least reasons similar to the reasons advanced above with respect to claim 1. The rejection of claims 8, 10, 16, 18, 24, 26, 32, 34, and 40 should be reversed.

VIII. Conclusion

Each of the PTO's rejections has been traversed. Appellant respectfully submits that all claims on appeal are considered patentable over the applied art of record. Accordingly, reversal of the PTO's Final Rejection is believed appropriate and courteously solicited.

If for any reason this Appeal Brief is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned, Appellant's attorney of record.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Reversal of the rejection is in order.

Respectfully submitted,
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By: _____



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